

Robert Milbank, Jr., Trustee  
900 Jackson Street, Ste. 560  
Dallas, TX 75202  
(214) 880-8771

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE \*  
WALL HOMES TEXAS, LLC, \* BK. NO. 09-30363-BJH-7  
DEBTOR. \*

**APPLICATION TO EMPLOY ACCOUNTANT**

TO THE HONORABLE BARBARA J. HOUSER, U.S. BANKRUPTCY JUDGE:

Comes Now Robert Milbank, Jr., the duly appointed and qualified Trustee for the above captioned Bankruptcy Estate of Wall Homes Texas, LLC (the "Debtor"), who seeks authority to employ the firm of Lain Faulkner & Co., P.C. ("Lain Faulkner"), to perform the following accounting services for said Bankruptcy Estate: to assist the Trustee in the preference analysis, the preparation of Federal income tax returns required for this Estate, and in general accounting issues that may arrive, and in support thereof would respectfully show this Court as follows:

1. The Debtor filed a Chapter 11 petition on January 17, 2009, and on November 25, 2009, its case was converted to a Chapter 7 case, and Robert Milbank, Jr. (the "Trustee") was appointed the Chapter 7 Trustee.

2. The principal assets of this Estate appear to be bank balances, escrow funds, potential claims and potential preferential transfers.

3. The Trustee believes that an accounting firm should be employed by the Estate to assist him with preference analysis, with the preparation of income tax returns, as well as other financial matters which may arise during the administration of the Estate.

4. The affidavit of Keith Enger, a member of Lain Faulkner, is annexed hereto as Exhibit "A" in support of this Application in accordance with §327 of 11 U.S.C.

5. The Trustee has worked with Lain Faulkner in other cases pending before this Court and is confident that the firm and its personnel are experienced in bankruptcy matters and will provide valuable assistance to the Trustee.

6. The firm of Lain Faulkner is a disinterested person with no connection to the Debtor, creditors, or any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee other than as reflected in the attached Affidavit of Keith Enger.

7. The firm of Lain Faulkner is qualified to render the services specified.

8. The firm of Lain Faulkner is to be compensated with a reasonable fee, to be determined by this Court.

WHEREFORE, Robert Milbank, Jr., respectfully prays that this Honorable Court enter an Order approving the employment of the firm of Lain Faulkner & Co., P.C., effective December 11, 2009 under the terms specified, to represent the Trustee in this bankruptcy case, and to be paid a reasonable fee, as authorized by this Court, upon completion of the above referenced accounting services.

Respectfully Submitted,

By /s/ Robert Milbank, Jr.  
Robert Milbank, Jr.  
900 Jackson Street, Ste. 560  
Dallas, TX 75202  
(214) 880-8771  
State Bar #14036000

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the Application to Employ Accountant, has been served on the U.S. Trustee, 1100 Commerce Street, Room 9C60, Dallas, Texas, 75242, by mail on this 28<sup>th</sup> day of December, 2009.

/s/ Robert Milbank, Jr.  
Robert Milbank, Jr.

AFFIDAVIT OF KEITH ENGER

THE STATE OF TEXAS      §  
                                  §  
COUNTY OF DALLAS      §

I, KEITH ENGER, being duly sworn, make this solemn oath:

1. I am a duly-licensed certified public accountant in the State of Texas. I am also a member of the public accounting and consulting firm of Lain, Faulkner & Co., P.C. ("Lain, Faulkner"). The firm maintains offices at 400 N. St. Paul, Suite 600, Dallas, Texas 75201.

2. Neither I, the firm of Lain, Faulkner, nor any member or associate thereof, insofar as I have been able to ascertain, represents any interest adverse to that of the Estate, the Trustee, or the Debtor in the matters upon which it is to be engaged.

3. Based on the foregoing, I believe that the firm of Lain, Faulkner is a "disinterested person" as that term is defined in § 101(14) and 327 of the Bankruptcy Code. In the interest of full disclosure, Dennis Faulkner (named shareholder of Lain, Faulkner), has been appointed as Chief Restructuring Officer for the holding companies of Guaranty Financial Group (Guaranty Financial Group, Inc.; Guaranty Group Ventures Inc.; Guaranty Holdings Inc. I; and Guaranty Group Capital Inc.). By way of background, Guaranty Financial Group filed Chapter 11 bankruptcy on August 27, 2009 following the appointment by the Office of Thrift Supervision of the Federal Deposit Insurance Corporation (FDIC) as receiver of Guaranty Bank, listed as a secured creditor in the Debtor's Schedules, which was the wholly-owned subsidiary of the Guaranty Financial Group's holding companies. The FDIC then entered into a purchase and assumption for BBVA Compass to acquire Guaranty Bank's assets. Lain, Faulkner discover any material adverse associations, it will make the appropriate disclosure by supplemental affidavit.

4. No promises have been received by Lain, Faulkner or by any members thereof as to compensation in connection with this case other than in accordance with the provisions of the Bankruptcy Code.

5. Lain, Faulkner will apply for compensation for services rendered and reimbursement of expenses incurred in accordance with §§ 330 and 331 of the Bankruptcy Code and the federal and local rules of bankruptcy procedure.

6. Lain, Faulkner has no agreement, and will make no agreement, for the sharing of any compensation which may be awarded to Lain, Faulkner in, or in connection with this case, with any other person, other than the individual members of Lain, Faulkner.

7. Further, I have advised the Trustee that the firm will bill on an hourly basis at the standard hourly rates for services rendered and expenses and costs incurred. The professionals and paraprofessionals (and their respective billing rates) to be utilized in this engagement are as follows:

Shareholders	\$315 - \$390 per hour
CPA's	\$290 per hour
Staff Accountants	\$205 - \$235 per hour
Clerical and Bookkeepers	\$75 - \$150 per hour

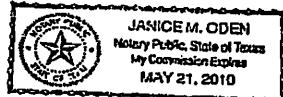
8. No retainer has been given to the firm of Lain, Faulkner with regard to professional services rendered on behalf of the Trustee in this case.

9. The foregoing constitutes the statement of Lain, Faulkner pursuant to §§ 328(c) and 504 of the Bankruptcy Code and Bankruptcy Rules 2014 and 2016(b).

DATED 12/21, 2009.

*Keith Enger*  
KEITH ENGER  
LAIN, FAULKNER & CO., P.C.  
400 N. St. Paul, Suite 600  
Dallas, Texas 75201

SUBSCRIBED AND SWORN TO BEFORE ME, by the said KEITH ENGER, on  
this 21<sup>st</sup> day of Dec, 2009, to certify which witness my hand and seal of office.



Janice M. Oden  
Notary Public, State of Texas  
My Commission Expires: 5/21/2010